

## AWARDS OF OFFICIAL REFEREES.

## RECOVERY OF COST OF REBUILDING PARTY-WALLS. IMPORTANT.

A CERTAIN party-wall on the line of junction between Nos. 8 and 9, Cullum-street, in the district of the eastern division of the City of London, having been rebuilt, in pursuance of a former award, under the direction of Mr. Barnes, the account was rendered to Mr. Archer, the occupier of No. 9 (who holds on lease for twenty-one years, from Christmas, 1830), and he, objecting to it, appealed against it to the referees on the following grounds:—

1. Because the said party-wall is not erected in conformity with the said Act.
2. Because the accounts delivered are contrary to the said Act.
3. Because the claim for the same is contrary to the award made by the official referees in reference to the said wall, dated 17th day of July, 1846.
4. Because the rules of the said Act were not complied with in the condemnation of the original wall, and no directions contained as to the manner of execution.
5. Because if I, the said James Archer, am liable to any of the expenses of the erection of the said wall, I submit I am not liable to the whole of the moiety thereof, but the owners or lessors to some portion of the same.
6. Because the said William Barnes, as such agent as aforesaid, or the building owner or owners, have not complied with the said Act."

The referees, on survey, ascertained that the house No. 9, Cullum-street, exceeded six squares in area, and was consequently a building of the second rate of the first class, and that the thickness of the wall in question was contrary to the rules of schedule C, part 2, and that a chimney breast next the said house was corbelled out from the faces of such wall more than nine inches, contrary to the rules of schedule F, relative to the construction of chimneys, and that certain joists and girders had been placed within 8½ inches from the chimney openings in the said party-wall, also contrary to the rules of the said schedule F; and that a small opening or hole had been made in the said wall, above the gutter at the back of the said house, No. 8, Cullum-street, contrary to the rules of schedule D, part 3.

The award was:—That as the said party-wall had not been built in the manner and of the thicknesses required by the first-mentioned Act in reference thereto; "It is not lawful for the building owner at whose expense such work has been executed to claim, and he is not entitled to be paid, or to recover from the adjoining owner, any compensation in respect thereof within the intent and meaning of the statute in that behalf."

The expenses to be paid by Mr. Barnes.

## UNSAFE PARTY-WALLS—FORMS NOT TO BE DISPENSED WITH.

A party-wall between No. 1, Lothbury, and the remains of the building situate on the south side of it, in the Old Jewry, having been condemned by the district surveyor as unsafe, Messrs. Stevens and Co., owners of No. 1, were desirous to avoid delay, and to pull down and rebuild the wall at once, but the governors of the Bank of England, owners of the premises in the Old Jewry, refused to assent.

A requisition on the part of Messrs. Stevens was therefore presented to the referees, requesting them to determine,

1stly. Whether the said governor and company refusing all consent, the said Messrs. Stevens and Company will be justified in proceeding forthwith to pull down and rebuild the said party-wall on the present line of junction, and also whether in case they may so pull down and rebuild, they may enter upon the premises of the adjoining owners for this purpose, and in the event of their being allowed so to pull down and rebuild, and having so done, they would be entitled to claim and be repaid by the adjoining owners, a moiety or any other proportion of the expenses of pulling down and rebuilding, and the other expenses incidental thereto.

2ndly. Whether the said Messrs. Stevens and Company may forthwith pull down the said party-wall; and having so done, or in the event of the said wall having been pulled down

in pursuance of the 40th section of the said Act, the said Messrs. Stevens and Company would be justified in forthwith proceeding to build a proper external wall up to the line of junction of the two premises, with the footings on the ground of the adjoining owner; and, also, whether in this case the said Messrs. Stevens and Company, in so building, would have a right to enter upon such adjoining owners' ground for the purpose of building such external wall.

The referees decided:—

"As to the first question submitted by the said requisition—

First. That inasmuch as the party-wall in that question mentioned has, by the certificate of the surveyor of the district (duly appointed and acting under the first-mentioned Act), by him duly made under and in pursuance of the 40th section of that Act, been declared to be ruinous and dangerous, and that it is necessary for the safety of passengers that the same should be pulled down; and inasmuch as the said Messrs. Stevens and Company have been required by the lord mayor and aldermen of the city of London to pull down the same under and in pursuance of the section last aforesaid, they, the said Messrs. Stevens and Company, would, if the said governor and company of the Bank of England, or other the owner or owners, for the time being, of the said premises, situate and being in the Old Jewry aforesaid, refuse to join in such reparation of the said party-wall as may be necessary for the securing the safety of passengers, or in pulling down the same, after the giving of such reasonable notice, by the said Messrs. Stevens and Company to the said governor and company, or other the owner and owners for the time being, as last aforesaid, as the urgency of the case may admit, be authorized in proceeding to pull down the said party-wall without the consent of the said governor and company, or other the owner or owners, as last aforesaid, but not further or otherwise than may be necessary to remove all danger to passengers; and that, subject to such conditions, the said Messrs. Stevens and Company may enter the said premises last aforesaid for the purpose of pulling down the said wall.

Secondly. But inasmuch as the proceedings, authorized by the 40th section of the first-mentioned Act, are such only as may be necessary for the safety of passengers, the said Messrs. Stevens and Company would not, in case the said party-wall should be pulled down, be justified in proceeding to build the same on the present line of junction referred to in the said requisition, until the said governor and company, or other the owner or owners for the time being, of the last-mentioned premises, shall have consented therein, or until such proceedings shall have been taken as are prescribed by the first-mentioned Act for supplying the want of such consent.

And, further, as to the said first question, that in case the said party-wall be pulled down by the said Messrs. Stevens and Company, they would, after such refusal and the giving and expiration of such notice, as is first above-mentioned, be entitled to claim from, and be repaid by, the said governor and company, or other the owner or owners for the time being, of the said last mentioned premises, a proportion (which may depend upon circumstances) of the expense of pulling down the said party-wall; but that the said Messrs. Stevens and Company would not be entitled to claim from, or to be repaid by, the said governor and company, or other the owner and owners for the time being, of the last-mentioned premises, any of the expenses of rebuilding the said party-wall, unless, previously to such rebuilding, the said governor and company, or other the owner or owners last aforesaid, shall have consented thereto, or unless such proceedings shall have been taken as are prescribed by the said first-mentioned Act for supplying the want of such consent.

And as to the second question submitted by the said requisition, we, the undersigned, as such official referees as aforesaid, do hereby determine and award, that neither of the said Acts of Parliament contains any provision relative to the building of external walls under the circumstances stated in the last-mentioned question; and that the said Messrs. Stevens and Company would not be justified in placing the footings, or other parts, of any external wall, upon the ground belonging to any other

owner, nor in entering upon such ground without the consent of such owner first had and obtained in that behalf."

## PROCEEDINGS OF THE INSTITUTE OF FINE ARTS.

SIR.—The Institute of the Fine Arts, founded in 1843, in order to repair the long continued neglect of sound principles, business habits, mutual information and improvement, and concentration of power, without which artists, as a body, never can enjoy the respect and influence that seem naturally to belong to the profession,—appeared in many respects well calculated to effect its purpose; but the commotions that during the last twelve months have shaken it to the foundation, not only stop its progress and impair its efficiency, but the abandonment of original principles, confusion, loss of time and of money, are seriously aggravated by the disunion and animosity amongst individuals who formerly entertained esteem for each other. The following account of the circumstances by one who, as an efficient member of council, of the Finance Committee, of that on laws, &c., &c., an untiring advocate of the high principles of the society and the rights and interests of all its members, may perhaps open the eyes of sensible men to the folly of exasperation, and serve as an example to others, particularly to young institutions.

Two great mistakes were made in the formation of the society. First, while they invited amateurs to join as "Honorary paying members," they denied them all share in the management of funds to which they contributed, all participation in the election of friends or others, or the business of the society; and so jealously have they maintained this exclusion, that a proposal to modify it, still keeping them from the council, was rejected, and a motion at a general meeting to refer the differences of the late contending parties to umpires, more impartial and cool than ourselves, was vehemently resisted, and declared by the chairman to be irregular and unconstitutional. The other mistake was, in having so large a number as twenty-four members of council in a society where a hundred never meet on any business; under such circumstances, a compact body of more than a fourth, prepared and used to each other, can overpower all uncombined opposition or difference of opinion.

The consequences of excluding gentlemen better acquainted than they are with terms and business are frequent and serious, and preclude their finding out mistakes until too late for remedy. A few cases will suffice.

According to the printed laws, a banker should be appointed by the general meeting to receive all moneys, to be drawn by checks, signed by the treasurer and the secretary. Audits should be made every six months: and yet in four years no banker has been appointed, and only two audits have been made and signed. Hence an accumulated confusion, which makes it hardly safe to rely on those statements to any nicety. For instance, when in 1845 the auditors undertook to examine papers, no balance-sheet being prepared, and no dates, even to distinguish one year from the other, it was next to impossible to clear them. This was commented on in the report. According to the constitutional law IX., the report on that audit was ordered to be printed for members, but it never has been sent to press.

From February, 1845, to February, 1847, there was not one audit, although one of the auditors repeatedly claimed to be summoned, but a finance committee was appointed by the council in 1845, and a committee of inquiry by a general meeting in 1846. The former spent several months in making up and checking a register of members and payments of subscriptions, discovered endless confusion in the accounts, but could not establish a satisfactory mode of keeping them; but they and their friends on the council were indignant at the general body appointing a committee of inquiry, and actually questioned its right to do so, maintaining that they alone (the council) had that power; they prevented the report of the committee from being read at a subsequent meeting. The committee of inquiry then took away the papers in their hands, and printed a statement, in which they advised members to insist on an audit before they paid their subscriptions. For this the council members